

EOLAS TECHNOLOGIES INCORPORATED,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 6:09-cv-00446
vs.	§	Judge Leonard Davis
	§	
ADOBE SYSTEMS INC., et al.,	§	
	§	Jury Trial Demanded
Defendants.	§	
	§	

2. eBay is a Delaware corporation headquartered at 2145 Hamilton Avenue, San Jose, CA 95125. eBay's business relates to an online marketplace that connects buyers and sellers over the internet at www.ebay.com.

3. eBay employs over 4,000 people in California, most of them in the San Jose area.

4. eBay employees in San Jose, California include, among others, product development, marketing, finance, operations support, information security, network engineering, human resources and legal personnel.

5. I understand that Plaintiff Eolas Technologies Inc. alleges that eBay infringes U.S. Patent Nos. 5,838,906 and 7,599,985 “by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via www.ebay.com and maintained on servers located in and/or accessible from the United States under the control of eBay; (ii) software, including without limitation, software that allows content to be interactively presented in and/or served to browsers; and/or (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing” (collectively “accused products and features”).

6. Management decisions regarding overall design of the www.ebay.com website are made in San Jose, California. I understand this has been the case since eBay’s formation in 1995.

7. Approximately 550 eBay employees have some level of responsibility for the research, design, and development of the accused products and features accessible on www.ebay.com. Most of these employees are located in San Jose, California. The few remaining of these employees are software developers located outside the United States that report to and work at the direction of software developers based in eBay’s San Jose, California offices. As a result, most of eBay’s business documents and records relating to the research, design, and development of the accused products and features are similarly located in San Jose,

California. There should be no reason why any eBay documents regarding the accused products and features would be located within the Eastern District of Texas. In fact, I understand that no eBay documents regarding the accused products and features are located within the Eastern District of Texas.

8. I understand that eBay web servers that store and serve content for the www.ebay.com website are located in San Jose and Los Angeles, California, as well as Denver, Colorado and Phoenix, Arizona. I understand that no eBay web servers that store and serve content for the www.eBay.com website are located in Texas.

9. eBay has one software development employee in Austin, Texas who, as part of his duties, works on presentation infrastructure for eBay MarketPlaces. This employee reports to and works at the direction of a manager in eBay's San Jose, California offices. Except for that one employee, eBay does not have any other employees in Texas that work on the MarketPlaces website, www.ebay.com.

10. eBay does not have any offices, facilities, or employees in the Eastern District of Texas.

11. Trial in the Eastern District of Texas would place a great strain on the responsible eBay employees and unnecessarily hamper their business operations. The prospect of attending trial in Tyler, Texas is much more burdensome than attending a trial in courthouses in San Francisco, Oakland, or San Jose, California, all of which are located in close proximity to eBay's headquarters in San Jose, California. Key employees would have to deal with cross-country travel and an extended leave of absence. To travel to Tyler, Texas would require employees to have to be away from their jobs even on days they are not testifying or preparing to testify at trial. By contrast, if trial were in San Francisco, Oakland, or San Jose, California, the disruption

would be relatively minor, since employees and eBay would not lose significant time, and the employees could work out of their local office when not required for trial.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on January 29, 2010 in San Jose, California.


Steven Mansour